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Examiner Shian Tinh Nhan Luong ART UNIT 3728	(571) 273-8300	United States Patent & Trademark Office	(571) 272-4557

File No.: 53221-011300

Re: Response to Restriction/Election Requirement for US Application Serial No. 10/644,466

Date: October 27, 2005

No. Pages: Including Cover Sheet 5

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### Notes:

Re: U.S. Utility Patent Application Serial No.: 10/644,466  
Entitled: ***COSMETIC PACKAGING DEVICE***  
Filing Date: August 19, 2003  
Inventor(s): Ellen R. Jackson  
Our Ref: 53221-011300

Also sent via: ☐ US Mail ☐ Overnight ☐ Messenger ☐ Email ☒ No Other

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PTO/SB/21 (09-04)

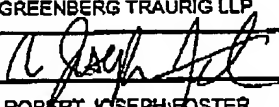
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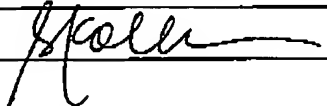
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/844,466	
	Filing Date	August 19, 2005	
	First Named Inventor	Elian R. JACKSON	
	Art Unit	3728	
	Examiner Name	Shian Tinh Nhan Luong	
Total Number of Pages in This Submission	4	Attorney Docket Number	53221-011300

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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	GREENBERG TRAURIG LLP		
Signature			
Printed name	ROBERT JOSEPH FOSTER		
Date	October 27, 2005	Reg. No.	56,953

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Signature			
Typed or printed name	Sherry B. Kolber	Date	October 27, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


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Application No. 10/644,466 Group Art Unit: 3728  
Applicant(s): Ellen R. Jackson Examiner: Shian Tinh Nhan Luong  
Filing Date: August 19, 2003 Docket No. 53221-011300  
Title: *COSMETIC PACKAGING DEVICE* Customer No. 33717

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit 3728, to Fax No. (571) 273-8300.

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Name: Sherry B. Kolber

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Dear Sir:

This response is being submitted in reply to the communication of September 28, 2005 which includes an election requirement. This response is being timely filed within the shortened 30-day statutory period for response expiring on October 28, 2005 and accordingly no fee is due.

Claims 44-68 are currently pending in the above-identified application and, pending the outcome of the traverse of the election requirement, are still under consideration.

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### *The Election Requirement*

The species election requirement states that the following species of the claimed invention are distinct:

- Group I: An attachment device comprises magnets.
- Group II: An attachment device comprises ring and hook type fabrics.
- Group III: An attachment device comprises a flexible snap lip configuration.
- Group IV: An attachment device comprises a pin and hole configuration.

### *Response to Election Requirement*

Responsive to the Office Action mailed September 28, 2005, kindly enter the following provisional election: Applicants provisionally elect Group I, with traverse.

The Election Requirement is traversed in the following grounds:

The requirement for election by the Examiner is respectfully traversed because of the relationship between the species or embodiments of Group I, II, III, and IV. A search of the claims read upon provisionally elected species or embodiments of Group I, drawn to an attachment device comprising magnets, will necessarily encompass a search relating to species or embodiments of Group II, III, or IV, drawn to an attachment device comprising ring and hook type fabrics, a flexible snap lip configuration, and a pin and hole configuration.

Furthermore, the Examiner's request will impose an unnecessary burden, not only on the Applicant but also the public, as it would require multiple patents to cover the technology of the claims of the invention. Therefore, Applicant respectfully requests that the election requirement be withdrawn and that all claims be examined together in the pending application.


Appl. No. 10/644,466

Docket No. 53221-011300

Applicant has complied with all requirements made in the above referenced communication. Accordingly, examination of this application on the merits is respectfully requested. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone Applicants' undersigned agent.

Respectfully submitted,

Date: October 27, 2005

  
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Registration No. 56,953

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